

TITLE 13. PUBLIC SAFETY**CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY
CONCEALED WEAPON PERMITS****ARTICLE 1. GENERAL PROVISIONS**

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ARTICLE 1. GENERAL PROVISIONS**R13-9-101. Definitions**

In this Article, unless otherwise specified:

1. "Applicant" means an individual or organization who submits a completed application form and the required fee to the Department to obtain a permit to carry a concealed weapon, to renew a permit, to be approved as a firearms-safety instructor, or to have a firearms-safety training program approved.
2. "Department" means the Department of Public Safety.
3. "Director" means the Director of the Department of Public Safety.
4. "Firearm" has the same meaning as in A.R.S. § 13-3101.
5. "Firearms-safety instructor" means an individual who has obtained approval under R13-9-109 to conduct initial and refresher firearms-safety training programs.
6. "Firearms-safety training program" means an initial course of instruction in the safe and lawful use of a firearm that meets the requirements of A.R.S. § 13-3112(N).
7. "Honorably retired peace officer" means a person who voluntarily separates from a law enforcement agency after 10 or more years of service; who did not separate to avoid disciplinary action or termination for cause; and who receives a medical, disability, or regular retirement pension or annuity as a result of qualifying years of service as a peace officer; and who has or can obtain a letter from the employer confirming these facts.
8. "Organization" means an entity legally established pursuant to federal, state, city, or county requirements and authorized to conduct business in Arizona and which seeks or has obtained the Department's approval of its firearms-safety training program.
9. "Original application" means any of the forms referenced in R13-9-102(A) that are not copies and that contain an original signature of the applicant.
10. "Peace officer" has the same meaning as in A.R.S. § 13-105.
11. "Permit" means an identification card issued by the Department that authorizes the named holder to carry a concealed weapon subject to the requirements of A.R.S. § 13-3112 and this Article.
12. "Permittee" means an individual who has qualified for and been issued a permit by the Department to carry a concealed weapon.

13. "Refresher firearms-safety training program" means a 4-hour course of instruction in the safe and lawful use of a firearm pursuant to A.R.S. § 13-3112(L).
14. "Resident" means a person who has lived in Arizona for 6 months immediately before the date of application for a concealed weapon permit and who remains in Arizona for a total of 6 months or more during each calendar year, or a member of the armed forces who has been stationed in Arizona for the 30 days immediately before the date of application for a concealed weapon permit.
15. "Satisfactorily completed" means obtaining a test score of 70% or more on both the written test and the live ammunition course-of-fire test.
16. "Weapon" includes the term "firearm" as defined in A.R.S. § 13-3101.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-102. Application Forms

- A. The Department shall provide application forms for:
 1. An initial concealed weapon permit and renewal of the permit,
 2. Approval to be a firearms-safety instructor, and
 3. Approval of an organization's firearms-safety training program.
- B. Application forms may be obtained from the Department, Handgun Clearance and Permit Section, 2102 West Encanto Boulevard, P.O. Box 6638, Phoenix, Arizona 85005-6638. Upon request, the Department shall advise individuals or organizations of other locations where application forms may be obtained.
- C. An application shall be submitted only on a form provided by the Department.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-103. Application and Processing Fees

- A. The Department shall collect the following fees:
 1. New permit - \$26,
 2. Renewal permit - \$26,
 3. Replacing a lost or stolen permit - \$20,
 4. Name change on a permit - \$20,
 5. Approval to be a firearms-safety instructor - \$50,
 6. Combined firearms-safety instructor approval and a permit - \$76.
- B. In addition to the fees in subsections (A)(1), (2), (5), and (6), the Department shall collect a fee in an amount necessary to cover the cost of federal noncriminal justice fingerprint processing for criminal history record information checks as provided by A.R.S. § 41-1750(J).
- C. An applicant or permittee shall submit the required fee in the form of a cashier's check, certified check, or money order made payable to the Department of Public Safety. All fees are nonrefundable.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-104. Application for an Initial Concealed Weapon Permit

- A. An applicant for an initial concealed weapon permit shall place a checkmark in the "New Permit Application" box on the Department's application form.
- B. An applicant shall enter the following information in the spaces provided on the form:
 - 1. Legal name as it shall appear on the permit;
 - 2. County of residence and residence address, including zip code, or descriptive location of residence if an address has not been assigned;
 - 3. Mailing address if different from residence address;
 - 4. Social security number;
 - 5. Driver's license number and state of issuance;
 - 6. Home and business telephone numbers; and
 - 7. Origin or race, sex, height, weight, eye color, hair color, date of birth, and place of birth.
- C. An applicant for a concealed weapon permit shall answer "yes" or "no" to the following questions on the application:
 - 1. Are you lawfully present in the United States?
 - 2. Are you a resident of Arizona?
 - 3. Are you at least 21 years of age?
 - 4. Have you satisfactorily completed the required firearms-safety training program?
 - 5. Are you currently under indictment for, or have you been convicted of, any felony in the United States or any other country?
 - 6. Do you suffer from mental illness or have you been adjudicated as mentally incompetent, or have you been committed to a mental institution?
 - 7. Are you requesting a concealed weapon permit concurrently with an application for approval to be a firearms-safety instructor?
 - 8. Are you an honorably retired federal, state, or local peace officer with a minimum of 10 years of service?
- D. An applicant shall attest, under the penalty of perjury, to the truthfulness of the information and answers given on the application by placing the applicant's original signature in the space provided at the bottom of the form.
- E. Except for an applicant exempted by A.R.S. § 13-3112(E)(6), an applicant shall obtain the signature of a firearms-safety instructor in the space provided at the end of the application, certifying that the applicant satisfactorily completed the initial firearms-safety training program on the date specified.
- F. The firearms-safety instructor's certification shall include:
 - 1. The Department-assigned number of the firearms-safety training program,
 - 2. The Department-assigned number of the firearms-safety instructor,
 - 3. The Department-assigned number of the training organization,
 - 4. A seal or stamp affixed to the form identifying the training organization, and
 - 5. The date the applicant satisfactorily completes the program.
- G. A certificate of completion of a firearms-safety training program shall remain valid for 6 months after the applicant satisfactorily completes the training.
- H. An applicant shall submit to the Department the original application form, a completed fingerprint card with prints of sufficient quality to enable them to be classified, and the fees specified in R13-9-103.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-105. Review and Processing by the Department

- A. The Department shall review the application to verify that the applicant has submitted the required forms, information, and fees, and that the certificate of completion has not expired. The Department shall base the determination of deficiencies upon the requirements of A.R.S. § 13-3112 and this Article. Within 10 business days of receipt, the Department shall return an incomplete, illegible, or non-original application, or an application with an expired certificate of completion. With the return of an application, the Department shall include a written description of the deficiencies to be corrected.
- B. Within 20 calendar days of receiving a completed application, the Department shall conduct a state criminal history check and request a national criminal history check of the applicant.
- C. The Department may contact the applicant by telephone or by mail if clarification or further information is needed to determine eligibility. If the applicant provides the requested information within 40 calendar days from the date of the request, the Department shall complete its determination of eligibility. If the applicant fails to provide the requested information within 40 calendar days, the Department shall deny the application and return it to the applicant with a written explanation.
- D. The Department shall not issue a concealed weapon permit to any person who has been convicted of a felony, even if the person's civil rights have been restored and the conviction expunged, set aside, or vacated. If a permit is denied, the Department shall notify the applicant in writing in accordance with A.R.S. § 13-3112(H).

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-106. Permit Issuance

- A. When an applicant has satisfied the requirements of A.R.S. § 13-3112 and this Article, the Department shall issue a concealed weapon permit containing:
 - 1. The permittee's legal name, as shown on the application;
 - 2. The permittee's date of birth;
 - 3. The permittee's physical description, including: origin or race, sex, height, weight, and color of eyes and hair;
 - 4. A permit number;
 - 5. The date of issuance and expiration; and
 - 6. The title of the permit, the state seal, and instructions to the permit holder.
- B. The Department shall mail an approved permit to the applicant's residence address or mailing address shown on the application.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-107. Permittee Obligations

- A. Upon request of any peace officer, a permittee in actual possession of a concealed weapon shall present the permit to the peace officer for inspection. If the permit does not incorporate a photograph of the permittee, the permittee shall also present a separate type of official photographic identification. Official photographic identification is limited to the following:
 - 1. Driver's license from any state,
 - 2. Military identification card,
 - 3. Identification card issued pursuant to A.R.S. § 28-421(01), or
 - 4. Passport.
- B. A permittee shall not carry a concealed weapon in violation of A.R.S. § 13-3102(A).
- C. A permittee whose permit is lost or stolen shall notify the Department upon determining the loss. When advised of a lost or stolen permit, the Department shall invalidate the permit.

The permittee shall not carry a concealed weapon until a replacement permit is obtained. The permittee may obtain a replacement permit by submitting a written request and the fee specified in R13-9-103(A)(3). If the applicant meets the requirements of A.R.S. 13-3112(E)(1), (2), (3), (4), and (5), the Department shall issue a replacement permit within 10 business days of receiving the request. The replacement permit shall have the same expiration date as the lost or stolen permit.

- D. A permittee shall notify the Department in writing within 10 calendar days of any change of name or address. The Department shall process the notice and update the permittee's information on file with the Department.
- E. A permittee whose name is changed from the name stated on the permit may request a revised permit by submitting a written request containing the previous name, the new name, and the fee specified in R13-9-103(A)(4). The revised permit shall retain the same expiration date as the previous permit. Within 10 business days from receipt of the request for a revised permit, the Department shall process the request and mail the revised permit to the permittee with instructions that failure to return the previous permit within 5 business days shall result in suspension of both the previous permit and the new permit. The Department shall destroy the previous permit upon receipt.
- F. A permittee shall not deface, alter, or mutilate a permit, or reproduce, lend, transfer, or sell a permit.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-108. Permit Renewal

- A. A concealed weapon permit expires 4 years from date of issuance. An application for renewal of a permit may be submitted at any time between 90 calendar days before permit expiration and 60 calendar days after permit expiration. Upon expiration of a permit, the permittee shall not carry a concealed weapon until in possession of a renewed permit.
- B. To initiate renewal, a permittee shall place a checkmark in the "Renewal Permit Application" box on the application and shall enter all information requested in R13-9-104(B).
- C. The permittee shall answer "yes" or "no" on the application to the questions listed in R13-9-104(C).
- D. A permittee shall attest, under the penalty of perjury, to the truthfulness of the information and answers given on the application by placing the permittee's original signature in the space provided.
- E. A permittee shall obtain the signature of a firearms-safety instructor in the space provided on the application, certifying that the permittee satisfactorily completed a Department-approved refresher firearms-safety training program.
- F. The certificate shall include the items of information required in R13-9-104(F).
- G. A certificate of completion of a refresher firearms-safety training program shall remain valid for 6 months after the applicant satisfactorily completes the training.
- H. A permittee shall submit to the Department the original application, a completed fingerprint card with prints of sufficient quality to enable them to be classified, and the fees specified in R13-9-103.
- I. The Department shall review and process the renewal application pursuant to R13-9-105. If the renewal application is received within 60 calendar days after expiration of the permit and the permittee meets the requirements of A.R.S. §§ 13-3112(E)(1) through (5), 13-3112(K) and (L), and this Article, the Department shall issue a renewed permit containing the information specified in R13-9-106(A).
- J. The Department shall deny a renewal application if it is received more than 60 calendar days after expiration of the permit. Within 10 business days after denying an application for renewal of a permit that has been expired for more than 60 calendar days, the Department shall return the application with a written notice stating the reason for denial and instructing the applicant to file for a new permit.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-109. Firearms-Safety Instructor Approval

- A. An applicant seeking approval to be a firearms-safety instructor shall place a checkmark in the "Training Instructor Approval Application" box on the application and enter the information requested in R13-9-104(B).
- B. An applicant seeking approval to be a firearms-safety instructor shall answer "yes" or "no" to the questions listed in R13-9-104(C)(1), (2), (3), (5), (6), (7), and (8) on the application.
- C. An applicant shall attest, under the penalty of perjury, to the truthfulness of the information and answers given on the application by placing the applicant's original signature in the space provided at the bottom of the form.
- D. To be eligible for approval as a firearms-safety instructor, an applicant shall:
 1. Meet the requirements of A.R.S. § 13-3112(E)(1), (2), (3), (4), and (5); and
 2. Possess a certificate of completion from 1 of the authorized firearms-safety training programs listed below:
 - a. Arizona Basic Police Firearms Instructor Certification, issued by the Peace Officers Standards and Training Board;
 - b. Police Firearms Instructor Development School, issued by the National Rifle Association;
 - c. Law Enforcement Security Firearms Instructor Development School, issued by the National Rifle Association; or
 - d. Personal Protection Instructor rating and Basic Pistol Instructor rating, issued by the National Rifle Association.
- E. An applicant seeking approval to be a firearms-safety training instructor shall submit to the Department:
 1. An original application,
 2. A certificate of completion from 1 of the instructor training programs listed in subsection (D)(2),
 3. A completed fingerprint card with prints of sufficient quality to enable them to be classified, and
 4. The fees specified in R13-9-103(A)(5) and (B) for a firearms-safety instructor approval only, or
 5. The fees specified in R13-9-103(A)(6) and (B) for a firearms-safety instructor approval and a concealed weapon permit.
- F. The Department shall review and process an application for a firearms-safety instructor approval consistent with the procedures in R13-9-105(A) through (C), except that a certificate of completion from 1 of the training programs listed in R13-9-109(D) shall replace the requirements of R13-9-104(E) and (F).
- G. If an application for firearms-safety instructor includes a request for a concealed weapon permit, the application shall be processed consistent with the procedures in R13-9-105(A) through (D).
- H. The Department shall notify the applicant in writing of approval or disapproval within 60 calendar days after receiving a completed application. The Department shall assign an identification number to each approved firearms-safety instructor. A firearms-safety instructor's approval from the

Department shall remain in effect unless suspended or revoked, or the instructor becomes ineligible pursuant to A.R.S. § 13-3112 or this Article.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-110. Firearms-Safety Training Program Approval

- A. An organization seeking approval of its firearms-safety training program shall submit to the Department the following information on the application:
 1. The business name of the organization,
 2. The business address and mailing address of the organization, and
 3. The name and telephone number of an individual who shall serve as the primary contact with the Department and who shall have the authority to sign for and bind the organization.
- B. The person designated under subsection (A)(3) shall attest, under the penalty of perjury, to the truthfulness of the information given on the application by signing in the space provided at the bottom of the form.
- C. The organization shall attach to the application detailed topical outlines of its proposed classroom and practical training program. The outlines shall include test questions and their correct answers and cover the topics required by A.R.S. § 13-3112(N) for the initial training program. The topical outlines shall require that all target practice during training and qualifying shall be conducted using a firearm with live ammunition.
- D. The Department shall review the application to verify that the organization has submitted the required forms and information. Within 10 business days of receipt, the Department shall return an incomplete, illegible, or non-original application with a written description of the deficiencies. The Department shall base the determination of deficiencies upon the requirements of A.R.S. § 13-3112 and this Article.
- E. An organization needing assistance in developing a firearms-safety training program may submit a written request to the Department.
- F. Program approval shall remain in effect unless the organization's approval is suspended or revoked for failure to maintain the requirements of A.R.S. § 13-3112 or this Article.
- G. Within 90 calendar days after an organization's program is approved by the Department, the organization shall submit a written list of its Department-approved firearms-safety instructors' names and assigned numbers.
- H. A firearms-safety training organization shall notify the Department in writing within 10 calendar days of any change in its list of approved instructors, business address, telephone number, or name of the individual serving as the primary contact with the Department.
- I. A firearms-safety training organization shall send a written notice to the Department at least 10 calendar days before changing its business name. The notice shall state the effective date of the change and the Department shall update its records.
- J. For each individual who receives initial or refresher training, the firearms-safety training organization shall maintain the following written records for 5 years from the date of the trainee's completion of, or withdrawal from, the training:
 1. Name and age of the individual at the time training commenced;
 2. Dates and number of hours of each training session;
 3. Physical location of each training session;
 4. Title and Department-assigned number of the training program;
 5. Name and assigned number of each instructor conducting the training sessions; and

6. Outcome of the training: passed, failed, or withdrew from the program.

- K. Upon request by the Department, a firearms-safety training organization shall make its firearms-safety training records available to the Department for inspection.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-111. Suspension or Revocation

- A. The Department shall suspend a concealed weapon permit if the permittee fails to carry the permit when in actual possession of a concealed weapon. The Department shall restore the permit under the condition specified in A.R.S. § 13-3112(B).
- B. The Department shall suspend a permit if the permittee is arrested or indicted for an offense that would make the permittee unqualified under the provisions of A.R.S. § 13-3101(6) or 13-3112. The Department shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).
- C. The Department shall revoke a permit under the conditions specified in A.R.S. § 13-3112(C).
- D. The Department shall suspend or revoke a permit if the permittee fails to maintain all of the conditions specified in A.R.S. § 13-3112(E).
- E. The Department may suspend or revoke a permit, firearms-safety instructor approval, or firearms-safety program approval if the permittee, instructor, or organization:
 1. Violates or fails to meet any requirement of A.R.S. § 13-3112 or of this Article;
 2. Fails to continuously maintain any condition or requirement necessary for the issuance of a permit or granting of approval under A.R.S. § 13-3112 or this Article; or
 3. Provides false, incomplete, or misleading information to the Department.
- F. The Department may suspend a permit or approval for up to 1 year.
- G. If the Department revokes a permit or approval, the affected permittee, instructor, or organization shall not reapply for such permit or approval for 2 years from the date of revocation.
- H. The Department shall notify the affected permittee, instructor, or organization and state the reason for suspension or revocation. The notice shall be sent by mail to the last known address of the permittee, instructor, or organization. For purposes of R13-9-111, R13-9-112, and R13-9-113, notice shall be considered received on the earlier of the date of actual receipt or the 5th calendar day after the date of mailing.
- I. Upon receipt of a notice of suspension or revocation:
 1. A permittee shall return the permit to the Department within 5 business days,
 2. An instructor shall immediately stop providing instruction, and
 3. An organization shall immediately stop conducting any program.
- J. The Department may require immediate surrender of a permit or may seize a permit when required under A.R.S. § 13-3112.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-112. Reconsideration, Request for Hearing

- A. On receipt of a notice of denial:
 1. An applicant for a concealed weapon permit or renewal of a permit may submit additional documentation to the Department. The applicant shall submit the documentation within 20 calendar days from receipt of the notice of denial.
 2. On receipt of additional documentation, the Department shall reconsider its decision and inform the applicant

within 20 calendar days of the Department's final decision. The decision is final upon mailing.

3. If denied after reconsideration under subsection (A)(2), the Department shall notify the applicant of the right to appeal to superior court.
4. If the applicant has not submitted additional documentation under subsection (A)(1), the decision is final at the expiration of the 20-calendar-day period allowed for submission.

B. On receipt of a notice of:

1. Suspension or revocation of a permit; or
2. Denial, suspension, or revocation of a firearms-safety instructor approval; or
3. Denial, suspension, or revocation of a firearms-safety training program approval; the affected individual or organization is entitled to a hearing. A written request for a hearing shall be filed with the Department within 15 calendar days of receipt of the notice. The request shall be directed to the name and address stated in the notice.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).

R13-9-113. Hearing

- A.** The Department shall grant a hearing to an individual or organization filing a timely application for a hearing under R13-9-112(B).
- B.** The Department shall notify the requester at least 20 calendar days before the hearing date. The notice shall include:
 1. A statement of the time, place, and nature of the hearing;
 2. A statement of the legal authority and jurisdiction under which the hearing is being held;
 3. Reference to the particular sections of the statutes and rules involved; and
 4. A statement of the issues or matters involved.
- C.** The hearing shall be conducted in accordance with the provisions of A.R.S. Title 41, Chapter 6, Article 6 for hearing a contested case before an agency.
- D.** Hearings shall be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings.
- E.** Hearings shall be conducted by a hearing officer appointed by the Office of Administrative Hearings pursuant to A.R.S. Title 41, Chapter 6, Article 10.
- F.** Hearings shall be held at a location determined by the Department.
- G.** Irrelevant, immaterial, or unduly repetitious evidence shall be excluded by the hearing officer.
- H.** Notice may be taken of judicially cognizable facts and of recognized technical or scientific facts within the Department's specialized knowledge. The Department's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.
- I.** Hearings shall be tape recorded.
- J.** The individual or organization shall have the right to be represented by counsel, to submit evidence in open hearing, and shall have the right of cross-examination.

K. The hearing officer may cause to be issued subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence and shall have the power to administer oaths.

L. The individual or organization shall submit to the hearing officer for approval any subpoena at least 10 calendar days prior to the hearing. If approved, the submitting party shall be responsible for service.

M. The hearing officer shall submit the findings to the Director.

N. The Director shall review the records of the findings by the hearing officer and may adopt, reverse, modify, supplement, or reject the recommendation of the hearing officer.

O. The Department shall mail written notice of the Director's decision to the individual or organization within 5 business days after the decision. The notice shall include findings of fact and conclusions of law. Notification shall be mailed to the individual's or organization's last known address and shall be deemed served upon mailing.

P. The individual or organization shall have the opportunity for a review or rehearing of the decision before the decision becomes final.

1. To obtain a review of the decision, the individual or organization shall file with the Director a written request for review within 15 calendar days after the Department mails the notice of the Director's decision.

2. The Director shall review the decision after receiving a request under subsection (P)(1). The Director shall deny a rehearing unless the Director determines that grounds for a rehearing exist under the following subsection (P)(3).

3. The Director may grant a rehearing for any of the following reasons:

- a. Irregularity in the proceedings which deprived the individual or organization of a fair hearing;
- b. The decision was not justified by the evidence or was contrary to law; or
- c. There is new material evidence which, with reasonable diligence, could not have been discovered and produced at the hearing.

Q. All denials, suspensions, revocations, and decisions of the Director are effective on the date notice of such action is mailed to the individual or organization.

R. All denials, suspensions, revocations, and decisions of the Director are final, as set forth in this Article; or, if not otherwise set forth in this Article, are final upon expiration of time to apply for a hearing under R13-9-112(B).

S. If an application is timely filed for a hearing under R13-9-112(B), the decision of the Director is final:

1. If a request for review is not timely filed under R13-9-113(P)(1),
2. Upon the mailing of the Director's denial of a rehearing under subsection(P)(2), or
3. Upon the mailing of the Director's decision following a rehearing under subsection (P)(3).

T. When final, a decision may be subject to judicial review pursuant to A.R.S. Title 12, Chapter 7, Article 6.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1).